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June 26, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D.C. 20554

**Re: University of South Florida (FRN 0008-0221-47)
Station WUSF-DT, Tampa FL Facility. ID #69338
Request for Waiver of the Replication/Maximization
Interference Protection Deadline**

Dear Ms. Dortch

For good cause shown, in accordance with the procedures set forth in *Public Notice, DA 06-1255 (DTV Channel Election Issues)*, released June 14, 2006, this letter respectfully requests, on behalf of our client, the University of South Florida ("USF"), permittee of Noncommercial Educational Television Station WUSF-DT, Tampa, Florida, a six-month waiver of the July 1, 2006 replication/maximization interference protection deadline established by the Commission in Paragraph 78 of the *Second DTV Periodic Review Report and Order*, 19 FCC Rcd 18279 (2004).

The grounds for this waiver request are financial constraints and construction delay circumstances that are clearly beyond USF's control. As USF will now demonstrate, it is expected that WUSF-DT will be able to satisfy its Paragraph 78 requirement within 60 days after July 1, 2006 by filing a license application for facilities specified in WUSF-DT's original construction permit (Permit File No. BPEDT-19991217ACB) – as USF undertook in its FCC Form 381 Pre-Election Certification Form, filed on November 5, 2004. However, out of abundance of caution, a full six-month waiver of the deadline is being requested.

WUSF's DTV conversion project began in 1998. The station has successfully completed each phase of its conversion plan, to date, including initiation of low-

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power DTV STA operations on June 29, 2004. However, each phase has required significant outside funding or collaboration with Station WEDU-DT, another PBS station in WUSF's market. Thus, the project includes a jointly operated transmitter building with backup power, shared signal combiner, transmission line, and antenna.

To increase its ERP from 22.1 kW (its STA low power) to 475 kW (its construction permit full power), WUSF-DT needed to obtain a Digital Distribution Fund (DDF) grant from the Corporation for Public Broadcasting (CPB). USF submitted its application in July 2005, and awards were anticipated in late 2005. However, the award process moved slowly. Steady telephone and e-mail pressure from USF during early 2006 yielded a \$632,614 award letter from CPB on March 23, 2006. This award letter made it possible for USF to begin negotiations with Thales Broadcast & Multimedia Inc. (Thales) for a new transmitter. Due to the high demand for the manufacture and installation of digital products at this time, Thales informed us by letter dated June 20, 2006 that they do not have the resources to meet WUSF's requested July 1, 2006 on-air date for full-power operations. In that letter, Thales anticipated that the transmitter would be shipped by June 22, 2006, and their Eastern Regional Sales Manager, Jack McAnulty, estimates that proofing of the new equipment will occur around mid-August 2006.

Thus, as USF has shown above, it has been diligently working to upgrade WUSF-DT's facilities since mid-2005. The necessary financial grant from CPB was delayed until March 2006, and USF then proceeded expeditiously to order its new transmitter (State procurement rules prohibited ordering the equipment earlier). Just about everything else has been received and installed, except for the new transmitter. USF's inability to complete the implementation of its construction permit and file a license application by July 1 is thus clearly due to circumstances beyond its control. Accordingly, USF respectfully requests the Commission's understanding and indulgence and a six-month waiver of the July 1 compliance date. USF fully expects to file its license application well before the proposed January 1, 2007 extended deadline.

Please direct any communications or correspondence concerning this matter to the undersigned.

Sincerely

Jerold L. Jacobs

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Counsel for the University of South
Florida

cc: Shaun Maher, Esq. (FCC - via e-mail)